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April 28, 2022

VIA ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

Re: *Accent Delight International Ltd. et al. v. Sotheby's et al.*, 18 Civ. 9011

Dear Judge Furman:

We write respectfully on behalf of Defendants Sotheby's and Sotheby's, Inc. (collectively, "Sotheby's") pursuant to Section 7(C)(iii) of Your Honor's Individual Rules and Practices in Civil Cases and paragraph 4.5 of the February 28, 2020 Amended Protective Order (the "Protective Order"), *see* ECF No. 145 ¶ 4.5, to request permission to file redacted copies of (i) Sotheby's April 28, 2022 Response to Plaintiffs' Statement of Material Facts and Counterstatement of Material Facts; (ii) Exhibits 3-4, 13, 32, 43, 50-51, 60, and 64-65 to the April 28, 2022 Declaration of Marcus A. Asner; and (iii) Exhibits 1-8, 10-12, and 60 to the April 28, 2022 Declaration of Samuel Valette. With the exception of Exhibits 3-4, 32, 43, 50-51, 60, and 64-65 to the Asner Declaration, which removes personally identifying information, Sotheby's will file under seal an unredacted version of each document contemporaneously with the filing of this letter.

The material redacted from Sotheby's Response to Plaintiffs' Statement of Material Facts and Counterstatement of Material Facts is a quote from Exhibit 29 to the March 22, 2022 Declaration of Michael Sazonov (ECF No. 416-29), a document designated Confidential by non-party Sanford Heller. The Court previously granted temporary permission for Exhibit 29 to be maintained under seal in connection with Plaintiffs' Motion for Partial Summary Judgment. *See* ECF No. 429. Sotheby's is also filing as Exhibit 13 to the Asner Declaration a document containing information similar to the material redacted from Exhibit 29 of the Sazonov Declaration. Sotheby's seeks to file Exhibit 13 with similar redactions as those appearing on ECF No. 416-29, and to redact the quote from Exhibit 29 to the Declaration of Michael Sazonov appearing in Sotheby's Response to Plaintiffs' Statement of Material Facts and Counterstatement of Material Facts.

The redactions to Exhibits 3-4, 32, 43, 50-51, 60, and 64-65 of the Asner Declaration are comprised of information Plaintiffs contend is personally identifying and that Plaintiffs have requested Sotheby's file only under seal and/or in redacted form.

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The redactions to Exhibits 1-8, 10-12, and 60 of the Valette Declaration are comprised of the names of Sotheby's clients, which Sotheby's considers confidential and proprietary information. The Court previously granted Sotheby's request to file under seal the names of its clients in connection with Plaintiffs' Motion for Partial Summary Judgment. *See* ECF No. 428. The identities of Sotheby's clients is highly sensitive information that Sotheby's is contractually obligated to maintain in confidence and which, if filed without redaction, could cause competitive harm to Sotheby's. *See Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 156 (S.D.N.Y. 2015) (maintaining under seal "customer names, account numbers, and pricing information"); *Lexington Furniture Indus., Inc. v. Lexington Co., AB*, No. 19-CV-6239 (PKC), 2021 WL 1143694, at *2 (S.D.N.Y. Mar. 24, 2021) (sealing "exhibits contain[ing] specific, non-public financial statements, sales information and customer lists" because "[t]he disclosure of this information could advantage Movants' competitors and harm their businesses"). Whether or not the exhibits cited in Plaintiffs' motion are judicial documents, the sensitive and confidential nature of this information warrants its protection. *See Dodona I, LLC*, 119 F. Supp. 3d at 156 (maintaining redactions in summary judgment motions); *Lexington Furniture Indus., Inc.*, 2021 WL 1143694, at *2 (sealing exhibits attached to summary judgment motions). Moreover, none of these individuals' identities is relevant to Plaintiffs' Partial Motion for Summary Judgment or Sotheby's Motion for Summary Judgment and Opposition to Plaintiffs' Motion.

We thank the Court for its consideration of this letter.

Respectfully,

/s/Marcus A. Asner
Marcus A. Asner

cc: All counsel of record (via ECF)

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 434.

SO ORDERED.



May 2, 2022